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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/669,652

09/25/2003

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EXAMINER

PATEL, DHAIRYA A

ART UNIT

PAPER NUMBER

2151

MAIL DATE

DELIVERY MODE

09/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/669,652	Applicant(s) KINOSHITA, HARUHIKO	
	Examiner Dhairya A. Patel	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/27/2007, 5/2/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Application # 10/669,652 was filed on 9/25/2003. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee.

As per claim 1, Lee teaches a method for generating a content management information used in determining a plan for utilizing contents in a plurality of utilization modes, comprising the steps of:

-saving initial information about an object content (program)(Paragraph 33)
(Paragraph 34)(Paragraph 36);

The reference teaching saving multimedia data (content) which is a serially televised program includes serial drama running time of a program, first episode of the series (initial information)

-deciding whether initial information contained in each of a plurality of utilization result information indicating utilization results of other contents in the past is on the same level as the initial information of the object content (Paragraph 38,39,40,41);

The reference teaches user selects the first episode of the series (initial information) and stores it in the multimedia data list and once that is done user select second episode of the series (contents in the past is on the same level as the initial information) of the tv program (object content)

-extracting the utilization result information that contains the initial information decided to be on the same level (Paragraph 38,39,40,41); and

-generating the content management information about the object content based on the extracted utilization result information (Paragraph 43,45,46).

As per claim 2, Lee teaches a method for generating a content management information used in determining a plan for utilizing contents in a plurality of utilization modes, comprising the steps of:

-saving initial information about an object content (program)(Paragraph 33)
(Paragraph 34)(Paragraph 36);

The reference teaching saving multimedia data (content) which is a serially televised program includes serial drama running time of a program, first episode of the series (initial information)

-deciding whether initial information contained in each of a plurality of utilization result information indicating utilization results of other contents in the past is on the same level as the initial information of the object content (Paragraph 38,39,40,41);

The reference teaches user selects the first episode of the series (initial information) and stores it in the multimedia data list and once that is done user select second episode of the series (contents in the past is on the same level as the initial information) of the tv program (object content)

-extracting the utilization result information that contains the initial information decided to be on the same level and that is indicative of any one of a top ranking predetermined number of utilization effects contained in the utilization results (Paragraph 38,39,40,41); and

-generating the content management information about the object content based on the extracted utilization result information (Paragraph 43,45,46).

As per claim 3, Lee teaches the method according to claim 1, wherein the initial information contains the utilization result of the object content in a predetermined utilization mode at a predefined initial stage (first episode of the series) (Paragraph 37,38)

As per claim 4, Lee teaches the method according to claim 3, wherein in case values indicated by the respective utilization results contained in the plurality of initial information (first episode) are all in a predetermined range, the plurality of initial information are decided to be on the same level (second episode or third episode) (Paragraph 37,38,39,40,41,42).

As per claim 5, Lee teaches the method according to claim 1, wherein the initial information contains a holding result of an event based on which the object content has been created (Paragraph 51)(Paragraph 52).

As per claim 6, Lee teaches The method according to claim 5, wherein in case values indicated by the respective holding results contained in the plurality of initial information are all in a predetermined range, the plurality of initial information are decided to be on the same level (Paragraph 51-52).

As per claim 7, Lee teaches the method according to claim 1, wherein the utilization result information contains the respective utilization results in the plurality of utilization modes (Paragraph 50); and the extracted utilization result information is used to thereby derive an average value in each of the plurality of utilization modes (Paragraph 51)(Paragraph 52)(Paragraph 54).

As per claim 8, Lee teaches The method according to claim 1, wherein the content contains image data (Paragraph 33,34); and a mode of utilizing the content as data of a movie used at least when showing the movie is included as one of the modes of utilizing the content (Paragraph 50).

As per claims 9,17, teaches same limitations as claim 1, therefore rejected under same basis.

As per claims 10-16, teaches same limitations as claims 2-8, therefore rejected under same basis.

As per claims 18-24, teaches same limitations as claims 2-8, therefore rejected under same basis.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 7:00AM-4:30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-3440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2151

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP



VALENCIA MARTIN-WALLACE
PRIMARY EXAMINER